

THE
CASE

OF AN

Oath of Abjuration

Considered.



LONDON,

Printed and Sold by A. Baldwin in Warwick-lane.

1702.

THE

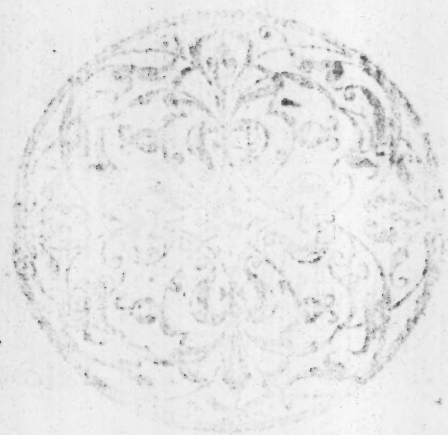
CASE

OF A

British Museum



Considered.



LONDON

Printed and Sold by A. Edmonstone in New Street

1793

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SIR,

I Was greatly amazed to hear you, the other day, so passionately concerned in Behalf of the *Oath of Abjuration*; as tho' our whole Stake and Safety, depended on its Passing on the Nation. This convinc'd me, that it is not impossible for People to intend the same *End* by the most different Means imaginable; for I verily believe, there are not two Men in *England*, that in their Hearts do more sincerely love his present Majesty, nor that, according to their poor Capacities and Stations, serve him better than you and I. And yet I tell you now, as I forbore not to tell you then, that I think an *Oath of Abjuration*, is as unlikely a thing to serve his present Majesty, as any One thing in the World besides. You told me then moreover, that some good understanding People of your Acquaintance were very much offended at the *House of Commons*, for throwing out that Bill twice, in two successive Sessions, and that they were looked upon rather as *Enemies*, than *Friends*, to the present Government. I told you then moreover, that your Acquaintance might be both good and understanding People, but that they made very bold with the *House of Commons*, and were not understanding enough in these affairs, to pass a true Judgment on them; and that it was a most pernicious thing, to look on all, that are not of our Mind, as *Enemies*. There being nothing more sure, than that two Parties may do, as you and I do, differ exceedingly in the Means of securing and supporting the Government, and yet both wish and intend the securing and supporting of it; as there is no doubt to be made, but both sides of the *House of Commons* did. Both sides may be right in their Intention, i. e. intend the Peace and Welfare of the Kingdom, tho' the Means they pitch upon, may be very different; so different that the contrary side may fancy they are truly destructive of the End they aim at, without believing that the Persons concerned, design any other than good, to his Majesty and the Kingdom. With this you seem'd to be for the present satisfied; but since, I understand, you begin to change your Mind again, and desire me to set down in Writing, upon what Reasons I ground my Opinion of the Mischief of an *Oath of Abjuration*,

tion, and send them to you, I have agreed to do so: and I suppose, I shall sufficiently satisfy all your Scruples, if I shall shew you these Three Things:

First, That an Oath of Abjuration is altogether New and Strange in England.

Secondly, That it is altogether Needless.

Thirdly, That it is altogether Impossible to be kept.

I. An Oath of Abjuration is altogether *Strange* and *New* in England. The Line of Succession hath been as frequently interrupted in England, as in any Hereditary Kingdom in the World besides. And therefore there hath been as much need of an Oath of Abjuration here as any where, and yet we have never had one. It is not for want of Instances, but to spare your Time and Patience, that I run not up beyond the Conquest, but will begin there. What Right or Title *William* the Conqueror had to these Kingdoms, every Body knows as well as any Body. The Right of Promise from *Edward the Confessor*, if it were true, as he pretended it, yet was no Right at all; for what Power has a King of England of himself to give or bestow the Kingdom to whom he pleases? But however, he also gave it to *Harold* on his Death Bed. So the *Chron. Saxon. Ann.* 1066. *Tunc Haroldus Comes cepisset Regnum, sicut Rex ei cencefferat, omnesq; ad id eum eligebant, & consecratus est in Regem in Festo Epiphaniæ.* So *Chron. Wali. Hemingsford*, cap. 1. *Et juxta quod ipse Rex Edw. ante mortem statuerat, sibi successit in Regnum Haroldus.* Tho' *William of Malmesbury* and *Matth. Paris*, and others, tell us he seized upon the Crown against the Will of almost all the Great Men, and especially the Bishops. *Extorta a Principibus fide, arripuit Diadema.* But let *Harold* and the Conqueror come to the Crown how they could, it is manifest beyond Dispute, that the Right Heir was then alive, who was *Edgar Atheling*, the Son of *Edward*, Grandchild of *Edm. Ironside*. This *Edgar* was not only Heir to the Crown by Lineal Descent, but design'd to succeed *Edward the Confessor*, by him himself, and sent for, for that purpose, from abroad, where he, his Mother, and his Sisters were; and it was look't upon to be so much his Due, that he was actually set up King by some parts of the Nation, insomuch that *Edwin* and *Morcar*, the great Earls of those Times, with *Aldred*, Archbishop of York, and the Citizens of London, agreed thereto, and promised to stand by him. And the *Saxon Chron.* gives us an Instance of the Abbot of *Peterborough* newly elected, being sent to *Edgar*, as King for Confirmation. For

(says



(says it) the Inhabitants of that Country thought that he should be the King. But the Noise of William's Invasion, made the Nation be-
 think themselves; and the People that had been most forward
 to set up *Edgar*, began to look upon him now as a Defenceless
 Youth, and not able to make head against so wise and hardy a
 Prince as *William* was; and therefore leaving him to shift as he
 could, they made their Terms with the Conqueror. The Nation
 had had the same good Intentions towards this poor Prince *Edgar*,
 upon the Death of *Edward the Confessor*, and some had actually
 endeavoured to set him up; but *Harold* was more powerful both
 in Friends and Money, and stepped into the Throne before him,
 as did the Conqueror this second time. The use I intended to
 make of this will be, (as you may easily foresee) to shew you, that
Edgar had a Title to the Throne, in the general Opinion of all
English Men; and consequently, that he was a dangerous Com-
 petitor to King *William the Conqueror*. But notwithstanding this:
 King *William*, when he was Crown'd by *Aldred* (the same *Aldred*
 who would have set up *Edgar*, and who has Character bestowed
 upon him by *Walt. Hemingsford*, cap. 2. *Vir bonus & prudens, intelli-*
gensque cedendum esse tempori, & Divina nequaquam resistendum
Ordinationi;) took the Oath of Fealty of all that were concern'd,
 without any farther notice taken of *Edgar Atheling* above the rest,
 and carrying him with other Lords and Bishops over into *Nor-*
mandy, he set him at liberty as soon as any of the others. And
 tho' he afterwards gave both the Conquerour and *William Rufus*
 some Disturbance, by his siding with the *Scots*, and *Danes*, and
 Duke *Robert*, yet both of them had him in their Hands, and let
 him go again, without any farther Mischief; he lived for some
 time in both their Courts, and what became of him at last, we are
 not certain. All that we know of it is from *W. Malmesbury*, who
 making mention of him adds, *Lib. 2. pag. 25. Qui post occisionem*
Haroldi a quibusdam in Regem electus est, & vario lusu Fortuna rotatus
NUNC penè decrepitem diem ignobilis Ruri agit. In the same
 place he says, that *David*, his Sister *Margaret's* Son, was King of
Scotland, which was not before the Year 1124. So that he lived
 at least to the Age of Seventy, if we allow him to be Twelve at
 the Death of *Harold*, when he was thought unfit to Reign, for
 want of years. And yet in all the Reigns of these Three Kings,
William the First, and *Second*, and *Henry the First*, there was
 no Oath of Abjuration; no Renouncing to the Rightful Title of
Edgar Atheling. Each of these Princes receiv'd the Oath of Fealty
 and

and Allegiance from their Subjects, and looked no farther after the Exclusion of *Edgar*, than that Oath did naturally carry them.

1087. When *William the Conqueror* died, he left the Dutchy of *Normandy* to his Eldest Son *Robert*. (*Mezeray* is mistaken when he makes the Father yield up the Dutchy to the Son 1077, when he was reconciled to him, upon his mounting him again upon his Horse, when he had ignorantly met and overthrown him) and *England* to his second Son *William Rufus*, and to *Henry* his third Son, a mighty Summ of Money, with a Prophetical Prefage, That he would One Day come to greater Matters. *Rufus* was then with his Father, and before his Funeral Exequies were performed (to secure himself the better of his appointed Succession) slipped over into *England*, and got himself Crowned King, by *Lanfrank*, Archbishop of *Canterbury*; but he was hardly warm in his Seat, before a great and deep Conspiracy was form'd against him, in behalf of his elder Brother *Robert*, contriv'd and carried on especially by *Odo*, Bishop of *Baieux* and Earl of *Kent*, his Uncle, *Geoffrey* Bishop of *Constance*, and other great Lords, intending to deliver up the King and Kingdom into the Hands of *Robert*. This so startled and amazed *Rufus*, that he thereupon calls all the *English* Men together, and lays before them the Danger he was in, promising the Redress of many present Grievances, and ample Privileges to them and theirs, upon their Assistance, which they consented to give, and accordingly, by their Help, he pursued and utterly defeated his Enemies, and became thereby enabled to forget his fair Promises. *Robert* in vain attempted to invade *England*, being repulsed with great loss by the King's Ships and Seamen; and *William*, in his Turn, made over for *Normandy* to do as much as *Robert* had design'd; but by the Mediation of Great Men on both sides, the Brothers came to an Agreement, that such and such Places should be deliver'd to each the other, and that whichever of the Brothers died first, without Children, the other should succeed him in all his Estates: And to these Covenants twelve of the most considerable Men, on each side, were very solemnly sworn. This was done 1090, and in 1094 the Brothers disagreed again, and all the Fault was laid upon the King, who again prepar'd for *Normandy*, where each of them did a great deal of Mischief to each other; till very luckily, the Pope engag'd Duke *Robert* to take upon him the Croisade, who being easily persuaded thereto (as one who was always a light and giddy-headed Prince) he sent to the King,

King, to acquaint him with his Purpose, to conclude a Peace, and to borrow Money for that Expedition, engaging his Dukedom for it, to which the King assented readily, and carried him the Money himself, and took Possession of his Pledge; the Money came to six thousand six hundred sixty six pound of Silver: And *Robert* behaved himself very honourably abroad, where he continued till the death of King *William*, 1100. In all these Quarrels and Conspiracies, occasioned by D. *Robert* and his Partisans, *Rufus* desired, nor had, no other Security of his Subjects, than the Oath of Fealty and Allegiance, which obliged them to be true to him, without excluding or abjuring *Robert*; and yet, I take it, *Robert* was a very formidable Competitor, and that such an Oath was as necessary then, as it ever was to this day.

Well, this unfortunate *Robert* was again put by the Crown, as well by his absence, as by the cunning Management of his younger Brother *Henry*, who got so well into the good graces of the Lords and Bishops, that he was Crowned King before Duke *Robert* could return to make his Claim. But, see the Inconstancy of *English-Men*! *Henry* had made large Promises of amending all things that were amiss in the former Reigns, and confirming the Liberties of the Church, and a great many other good things; and thereupon was received by all the Nobility and Clergy with great Expressions of Joy and Satisfaction, and Crowned by *Maurice* Bishop of *London*, (for *Anselm* had been driven away by *W. Rufus*) But before they could have time to see whether King *Henry* would be as good as his Word, they generally engaged in a Conspiracy to call in *Robert*, and deliver up the Government to him: some of the King's Ships went over to *Robert*, and a great Conflux of People there was gathered to him when he landed at *Portsmouth*; but before they came to try their Fortune in the Field of Battel, an Accord was made between them, by the mediation of some principal Men of both sides; by which it was agreed upon, that *Robert* should continue Duke of *Normandy*, and *Henry*, King of *England*, paying his Brother yearly three thousand Marks; that all Adherents to *Robert* should be clear'd, and enjoy their Estates, and that whichsoever of the two died Childless first, the other should succeed in both the Kingdom and the Duchy; with some other Particulars, which were all of them sworn to (as before) by twelve Great Men on each side. This Agreement was made in 1101, and in a few years came to nothing; for after many Depredations and Reprisals, Skirmishes, and taking and retaking
of

of Towns in *Normandy*, the fatal Battel was fought in 1106, where *Robert* was taken Prisoner, and never after obtained his Liberty, but having his Eyes put out (a piece of Cruelty much in use in those days) he lived and died at *Cardiff*, a miserable Captive, in the Year 1134, and was buried at *Gloucester*. An unhappy Prince from the beginning to the End, if we except two or three Years, spent to his Honour in the *Holy-Land*. But I have nothing to do with any thing relating to him, but to remark, that notwithstanding the great and continual Disturbance and Alarms he gave both *William II.* and *Henry*, yet neither of them took an Oath of Abjuration from the Nation, and it is the more remarkable in *Henry*, because that *Robert* had a Son called *William*, a brave and noble Youth, and a Prince of great Hopes, and like enough to prove a strong Competitor to *Henry's* Children. He was afterwards greatly favoured by the *French King*, and Married his Queen's Sister, and had the County of *Flanders*, and other strong Places put into his hands, by which he created great Troubles to his Uncle *Henry*, till he was unfortunately wounded at a Siege, and being unskilfully dressed, died in a Monastery five days after, in the Year 1128.

But what did *Henry* do with regard both to his Brother *Robert* and this vigorous Prince, young *William*, who had sworn severely to revenge his Father's Injuries and Eyes? Why, he contented himself to swear his own Son, who was also called *William*, into the Succession of *Normandy*, in the Year 1115, and of *England* in 1116, having of that purpose called a *Parliament* at *Salisbury*. *Conventio Optimatum & Baronum totius Anglie apud Searesberiam xiv. Kal. Aprilis facta est, Qui in presentia Regis Henrici homagium Filio suo Wilielmo fecerunt, & fidelitatem ei juraverunt. Sim. Danelm. an. 1116.* And, as *Annales de Margan* have it, 1116. *Filius Regis Henrici juratur ab omnibus Hæredi Patris fieri.* But in the Year 1120, *William* and the rest of the King's Children, with a great Company of People of Quality, were unfortunately drowned, the Ship being run upon a Rock not far from the Shoar from whence they put to Sea, by the Mariners and Pilot, who were got drunk. The Prince might have been saved, had he not hearkened over-tenderly to the Cries and Lamentations of one of his Poor Sisters that continued in the Ship, whom thinking to take into his Boat, so many of the Ship leap'd presently into it, as sunk it immediately, and so they all perished together. The King had now but one Daughter left, which was *Maud*, first Married

Married to the Emperor of *Germany*, whose Widow she became in the Year 1125, and afterwards, in 1127, to *Geofrey Plantagenet* Earl of *Anjou*; but before the King sent his Daughter away to this second Husband, upon news of his Nephew *William's* Promotion to the Earldom of *Flanders*, and his attempting great Matters by the Assistance of the King of *France*, he was exceedingly distressed and troubled, and calling his Parliament together (saith *Brompton*, *Thomas Wikes*, and *Chron. Saxon.* and every body else) at *Westminster* (or, as others, at *Windsor*) he made both *David* King of *Scotland*, all the Archbishops, and Bishops, Abbots and great Men, take the Oath of Fidelity, and do Homage to his Daughter, and her Heirs lawfully begotten, in case himself should die without any Issue Male; which they accordingly did; and, amongst the rest, none forwarder to do it than *Stephen* Earl of *Blois*, who either administred the Oath himself to the rest, after he had taken it himself, or else contrived the Form thereof; for I know not well which is the Construction of those Words in *Tho. Wike's Chronology*, in the Year 1127. *Non solum in Persona propria sacramentum fidelitatis emisit, sed & aliis Regni Proceribus jurisjurandi formam præstruxit.* But you see, I hope, plainly, that *Henry* was apprehensive enough of the growing Power of his Nephew *William*, and yet thought fit to take no other Security of the Nation against him, than a Common Oath of Allegiance; there was no Talk or Offer after an Oath of *Abjuration*, in those days; tho' it had been much to his purpose, and he had Power enough had it been otherwise convenient. This Oath of Fidelity was again renewed to *Maud* at *Northampton* in 1131. *Habitoq; non parvo procerum conventu apud Northantonam priscam fidem apud eos qui dederant novavit, ab iis qui non dederant accepit,* saith *W. of Malmesbury*, *Hist. Novel.* l. 2. p. 177. Which I mention not as if it were done out of Fear of any particular Person (for *William* died, as I have said, in 1128) but, in all probability to exclude *Geofrey* her Husband from ruling, with whom he was exceedingly offended. I have it from *Wil. of Malmesbury* who tells us, that when King *Henry* lay on his Death-bed, *de Successione interrogatus, Filia omnem Terram suam citra & ultra mare legitima & perenni Successione adjudicavit: Marito ejus subiratus, quod eum & minis & injuriis aliquantis irritaverat.*

Notwithstanding all this Caution and Security, and this last Declaration of the dying King in favour of his Daughter; 1135, *Stephen* Earl of *Blois*, his Nephew by his Sister *Adeliza* Daughter

of the Conqueror, got over from *Normandy to England*, and tho' he was repulsed at *Dover*, and by the Men of *Kent*, yet he was entertained by the *Londoners*, and by the dexterous Management of his Brother the Bishop of *Winton*, who promised for him all that could be wanted or desired, he was Crowned by the Archbishop of *Canterbury*, whose Scruples about the former Oath to *Maud* were satisfied by the Oath of a bold Nobleman, who swore he heard King *Henry*, on his Deathbed, disinherit his Daughter *Maud*, and appoint *E. Stephen* to succeed him in the Kingdom. Some of our Historians tell us, that there was but a poor Show of Bishops and Great-Men at the Coronation, and that many ill Omens were seen thereat; others say otherwise, and tell us it was performed *annuentibus Prasulibus & Proceribus Regni*, and that they pitch'd on *Stephen*, because that *Maud* had no Children, and they wanted a considerable Person to look after the Affairs of the Kingdom. But all of them in general cry out aloud upon the sudden Change of the *English Nobility*, who had so lately sworn Fidelity to *Maud*, *Omnis Anglia, quasi in istu oculi, ei subjecta est*, saith *Walt. Hemingsford*, from *Malmesbury*, c. 56. Even *Robert of Gloucester* swore to *Stephen*, tho' with a very evil Mind undoubtedly, because he could not otherwise be in any Capacity of serving his Sister-in-Law *Maud* and her Son (for now she was brought to Bed of her Son *Henry*) this reason *Wil. of Malmesbury*, his Client, gives for him, He was afraid of his former Oath to *Maud*, and he was afraid he should never do her any Service if he swore not to *Stephen*, and therefore he did it, tho' conditionally, *that he should preserve his Honour and his Covenants*. *Robert* was the only Man alive he feared, for he was wise and valiant to a wonder in those days, and he was glad to have any hold at all of such a Man, and therefore accepted of his *Conditional Homage*. You shall take the words, and see what you can make of them your self, *Itaque Homagium Regi fecit, sub conditione quadam, scilicet, quamdiu ille dignitatem suam integrè custodiret, & sibi pacta servaret: Spectato enim jamdudum Regis ingenio instabilitatem ejus fidei praevidebat. Malmsh. Hist. Novel. l. i. p. 179.* I am greatly afraid, there are many *Roberts of Gloucester* now alive, that have taken the Oaths to his present Majesty, with no better design than to capacitate themselves to do him a shrewd turn, when it lies in their way; although they see no shadow of Unfaithfulness or ill design in them, but this is a Remark out of my way, which you will pardon. It is only to my purpose to say, that *Stephen* contented himself with

the ordinary Oath of Allegiance, tho' Maud was his Competitor; and put no Nobleman or Commoner upon abjuring her or hers by name, tho' he were sensible that they must prove continual Thorns in his side; and upon those Apprehensions, as soon as he was settled in his Throne, he passed over with an Army into France, with purpose only of subduing Geofrey of Anjou, her Husband, *prospexerat enim* (saith *Tbo. Wikes*, 1136,) *quod si Imperatrix prolem de corpore suo generaret, bella sibi minime de futura*, knowing full well that if she had Children, he must look for little quiet. But Children she had, and you know how troublesome this Woman, with her Son and Brother Robert, were to him for many Years, the many Miseries this poor Kingdom endured under the time of their Dissensions (for in most Wars a Country finds but little difference between *Friends* and *Enemies*) and the Agreement made at last betwixt them. I will not insist on any of these Matters: King Stephen took all usual care to secure the Crown to himself and his Posterity; but it went no farther than to take the common Oath of Allegiance to himself, and in 1152, to cause the same to be taken to Eustace his Son. For so *Annales Waverleienfes* 1152, *Apud Londoniam Eustachio Filio R. Stephani fide & iurjurando Universi Comites & Barones Angliæ se subdiderunt*. He would have had him Crowned, but the Clergy, by order of the Pope, opposed it strongly, and he could not carry his Point, as *Gervasius* tells us, in *Stephano*, 1131. p. In the Year 1152, died Stephen's Wife, and in 1153, Eustace his Son, a stomachful young Prince; so that Stephen, consum'd almost with Care and Grief, and finding himself decay, and his Adversary young Henry daily increasing in Riches and the Favour of the People, began to incline to Peace, which was agreed upon, you know, on condition that Stephen should continue King during his natural Life, and Henry to succeed him: and that William, Stephen's only remaining Son, should be possessed of all his Father's Estate, whilst a private Subject; but he liv'd not long to enjoy it, dying in King Henry's Service, at the Siege of *Tholouse*, in the Year 1159: Stephen himself went before him, dying in the Year 1154. leaving Peace, the greatest and most wanted Blessing, to this distracted Kingdom. Consider, Sir, I pray, whether an Oath of Abjuration, was not full as seasonable in this King Stephen's Case, as it can possibly be in any others, and then I will go on.

Henry II, being possessed of the Throne, took the usual Oath of Fidelity from his Subjects, without any manner of Regard had

to *William*, *Stephen's* Son, who served him four Years, and died at last, as I have said, in 1159. He Reigned thirty five years, and endured great Troubles and Afflictions from an untoward Queen, and most ungracious Children, the Eldest of which called *Henry* (sometimes called *Secundus*, sometimes *Tertius*, sometimes *Junior* and *Minor*) he caused to be Crowned King whilst himself lived, and quickly found good reason to repent him of such favour. But having no Competitor for the Crown, his Troubles are nothing to my purpose, since he could have no occasion for an *Oath of Abjuration*: and therefore I have done with him, when I have observed to you, that notwithstanding the Oath the Nation took in general to his Mother *Maud* her self, yet *Henry* succeeded *Stephen*, without any manner of notice taken of her. *Polydor Virgil* makes her present at the Treaty of Agreement, but mentions no Cession or yielding up her Right; no Historian, I have seen, takes any notice of her at all; and yet, undoubtedly, she took all those pains, in her Wars with *Stephen* for her self, and upbraided *Stephen* and all his Followers with Perjury; and yet she appears no ways concerned in the Treaty, nor makes any manner of Declaration that she absolved them of their Oaths to her, or that she was willing they should transfer their Allegiance to her Son. Perhaps they took these things for granted, because she put in no new Claim at that time: all that we know further of her is, that she died, as some say, in the 13th, or, as others, in the 14th Year of her Son *Henry's* Reign, who died himself in 1189, and left his Crown and Kingdom uncontested to *Richard I.*, who was his Eldest Son then living.

He was a brave Prince, and, according to the superstitious humour of those times, engaged in the Recovery of the *Holy Sepulchre* out of the hands of Infidels, where he performed Wonders, and was accounted one of the *Religious Heroes* of that Age. But certainly he was very ill paid at home, for these his glorious Pains abroad, by *John* his Brother. Most of our common Historians are mistaken in representing these matters, and confound Actions done at different times; I shall take a little pains to set them in better order, and that in short, from *Roger Hoveden*, *Walt. Hemmingford*, and *John Brompton*, &c. When *Richard* went into the East, he left the Government of *England* in the hands of *William Longchamp*, Lord Chancellor and Bishop of *Ely*, who (for ought appears) managed it with great Fidelity to the King his Master, but to the great dislike of *John* and his Adherents, who made many

many grievous Complaints of his Tyrannick Government, and seem resolved to have him laid aside at any rate; the thing that offended *John* at the bottom was this, that the *Chancellor*, being a Man of great Abilities and Power, abetted and maintained the Right of *Arthur* of *Brettany*, Son and Heir of *Geofry* Elder Brother to *John*, and sent underhand to the King of *Scotland*, who was his great Uncle, for his Protection and Assistance, in case King *Richard* should do otherwise than well in the *Holy-Land*; protesting moreover to him, that by Letters directed to him from *Sicily*, King *Richard* had appointed *Arthur* his Successor, if he should die. It is not very certain whether the *Chancellor* acted thus in favour of young *Arthur*, out of a good Principle, as knowing him the rightful Heir; or with ambitious purpose of continuing in his great Authority and Regency, as he was likely to do, if a Child succeeded; but whatever the Motive was to his asserting *Arthur's* Right, his doing so must needs be enough to make Earl *John* his mortal Enemy. The *Chancellor* was a warm and haughty Man, and imprudently administred an Occasion of Commotion, by commanding *Girard de Camvilla* to yield up to him the Castle of *Lincoln*, who (having had it committed to his care by the King) refus'd to do it, and immediately took part with *John*, whose ambitious restless Temper took hold of this occasion to put himself in Arms; and, whilst the *Chancellor* was besieging *Girard*, he seized on the two Castles of *Nottingham* and *Tickill*. So that now they came to open Hostilities; in which the *Chancellor* finding himself the weaker, and knowing he had many Mens Persons about him, whose Hearts were with *John*, he made his Peace with him, upon the vile unworthy Terms of forsaking *Arthur*. But this was not what *John* wanted, which was his Degradation and Removal; to which the following Passage ministred occasion, *Geofry* Archbishop of *York* was forbid (for some cause or other) by K. *Richard* to enter *England* in three Years space; but he, unmindful of the King's Command (and some say of his own Oath) resolved to take the opportunity of the King's Absence, and enter on his Bishoprick, which attempting to do, at *Dover*, he was watched by the *Chancellor's* Spies and taken from the Altar of a Church, whither he fled for refuge, and dragged from thence, and carried and committed to the Constable of *Dover* Castle. This made a great Noise, you may be sure, in those days; and opened the Mouths of the Clergy, with whose Cries Earl *John* fell in immediately (tho' no great Friend to Church-men, who are even with

with him in most of their Histories) and wrote to the *Chancellor* to set the Archbishop at Liberty; who refusing to do it, he raised a considerable Army, and drove his Enemy to great Straits, and at last suffered him to transport himself out of the Land; having first, in the Presence and with the Consent of many Bishops, Judges, and Great-men, and the Citizens of *London*, decreed, that he was not fit to bear any Rule, or live any longer in the Kingdom. When this good Company was got together, Earl *John* resolved they should not part without a Taste of his Intentions, and therefore the same day both he and the Archbishop of *Roan* (who was put into the *Chancellor's* place, as one of the Administrators of the Kingdom) and others of the King's Justices granted to the Citizens of *London*, *habere communam suam*; and again in the same Year, *John* and the Archbishop of *Roan*, with almost all the Bishops, Earls, and Barons, swore they would most firmly and inviolably (as long as it should please the King) observe and keep *communam illam*. The Glossary to the X. *Scriptores* interprets *Cummunam* by Association and Confederation, as if it were, that these Lords and great Folks took the Citizens of *London* into Council with them, and made them join with them in passing their Decree and Sentence on the Chancellor. They did indeed do so; but this is not enough methinks. I have the Authority of a most excellent skilled Person both in these and all other Learned Matters whatsoever, that *Communa* signifies in the place, Privileges, and Immunities, and by the Sense, I believe we should all of us construe it so: For by the Passage, with its Circumstances, it appears, that there was a Combination of Lords and Bishops and the Citizens of *London*, in favour of *John*, against any other Successor. And the Citizens of *London* on their part, swore Faithful Service [took the Oath of Fidelity] to King *Richard* and his Heirs, and engaged, that if he died without Issue, they would receive *John* for their Lord and King. And thereupon swore Fidelity to him against all Men, saving their Oath to *Richard*. *Radulph. de Diceto*, and *Job. Bromton* make no mention of these *Londoners* Swearing; but *Roger Hoveden* does (in his *Annals*, pag. 702.) who lived and wrote in King *John's* Days; and to him I refer you, if you please.

This makes me inclinable to interpret *Cummunam* by something that the Citizens of *London* liked, because they seemed to do a very bold and an unjust thing, in lieu of it; They took an Oath of Fidelity to One, who was neither Heir by God's, nor by the Laws of the Land, not yet by Designation and Appointment of the

the King then living, who was very angry at these Proceedings, and spoke very hard Words of his Brother *John*; and there is great Reason to believe these strange Doings (as well as the Departure of his Enemy King *Phillip* of *France*) hastened his Return the sooner into *England*. But in his Return he was unfortunately taken Prisoner by the Duke of *Austria*, and delivered into the Emperor's Hands, and there continued Sixteen or Eighteen Months. This Opportunity his Brother *John* laid hold on, and by the instigation of the *French* King, opened his Purposes and fought the Crown, sometimes giving out the King was dead, and sometimes that the Emperor resolved never to let him go. (And some Historians tell us that the King of *France*, and *John*, made mighty Offers to the Emperor, either to detain him, or deliver him up into their Hands, which he had much ado to resist.) But the Nobility opposed him constantly, and kept their Faith inviolable to their King, to their great Praise, and however careless and injurious they had been with respect to *Arthur's* Right of Succession, yet they were very bold and faithful to their present King in Possession; infomuch that instead of delivering up the Kingdom, and swearing Allegiance to him, as he demanded, they very vigorously besieged him and his, in *Windsor-Castle*, and forc'd him to surrender that and other Holds, and fly the Kingdom; which he did, and betook himself to his old Friend the King of *France*, to whom he became Liege-man, and did Homage for *Normandy*, which yet would not submit to *John*, but declared it self for its old Master, whom they hoped to see at home again, and safe in a short time. And so they did; for *Richard* came and landed at *Sandwich* in *Kent*, and was joyfully receiv'd of all his Subjects throughout the Kingdom, excepting some few Places which held out for *John*, which in a little time were reduc'd, and taken into Mercy by the King, who, by the Advice of the Bishops, was again Crown'd, with great Pomp at *Winchester*.

This is a long History, you will think, tho' I have greatly shortened it; but whereto does it serve? Why some have confounded these Two Attempts of *John*, and made but One of them; and some have only mentioned his Attempt during his Brother's Imprisonment, which yet, you see, was a *Second Undertaking*, in pursuance of the *First*, which made way (as he imagined) for it. The Use I make of it, is this, to shew you, that *John*, by this first Treasonable Attempt of causing People to swear Fidelity to him, against the King's Will, and without his Knowledge, and when

when he was not so much as *Presumptive Heir*, must make him justly liable both to the King's Anger, and to the Punishment of the Laws of the Land; but that his second Attempt upon the Crown made him undoubtedly a *Traitor*, and not to be endur'd either by King or Subject. I know not how a Subject can become more dangerous, and to be suspected, that by having once been sworn into the Succession, without his Prince's Knowledge and Good Will, and having afterwards demanded openly the Crown, altho' his King was then alive: And sure, his succeeding so well as he did the first time, and his attempting it the second time, must make him a dangerous Competitor to the King, and fit to be excluded by an *Oath of Abjuration*. But nothing of this was thought upon. *Richard*, after the Reduction of the Castle that held out in *John's* Favour, summoned a Parliament at *Nottingham*, (such as the Parliament was then) on the Thirtieth of *March* 1194. [*Trigesima Die Mensis Martii feria quarta Ricardus Rex Anglia celebravit primum Concilii sui diem apud Nottingham*: as *R. Hoveden*, pag. 737.] where were present *Eleanor* the King's Mother, the two Archbishops, *David* the King of *Scotland's* Brother, the Bishops, and the Barons: And on the Day following, the King demanded Justice should be done him, on his Brother *John*, who against his Oath of Allegiance, had seized on his Castles, destroyed his Countries, both at home and abroad, and Leagued against him with the King of *France*, his Enemy. And it was adjudged, that *Earl John* should be cited to appear within Forty Days, and stand to the Law, and that if he did not——— *Judicaverunt Comitem Johannem demeruisse regnum*, saith *Hoveden*. *Ipsium Fratrem suum Rex exheredavit*. *Annal. Waverl. An. 1194. Omne jus pristinum & honorem impensum solenni judicio Procerum suorum abjudicavit*, saith *J. Brompton*, from *W. Hemingsford* (whom he constantly Copies, and Cites by the Name of *Walter de Giseburn*, pag 1278. lin. 19.) *Judicio Procerum omni honore privavit*, saith *H. Knighton*, l. 2. pag. 2408. But the *Annales De Margan*, (put out by the most excellently Learned *Dr. Gale*, in 1691,) go, to my thinking, a great way farther than all the rest. The Passage is somewhat long, but remarkable enough to make you amends for the Patience of Reading it. Thus then in the Year M C XC IX. After *Richard's* Death, *John* his Brother, in the Octaves of Easter, having entred upon the Dukedom of *Normandy*, coming over into England, was Crowned King on Ascension-Day at Westminster, May 27. Against the

the Judgment and Decree of the Archbishops, Bishops, Earls and Barons, and all the rest of the Great Men of England, which they had passed at Nottingham in the Presence of King Richard his Brother, where for the Treason he badacted against the King, and Kingdom, in Confederacy with the King of France, he was disinherited and deprived (abjudicatus, which I cannot construe better) not only of all the Lands he had in England, but also of all Honors which he might hope for, or expect to have from the Crown of England. It was also decreed, that he should be summoned to appear, in such a space of time, within the King's Courts, to answer and defend himself, if he could, upon the War and Treason aforesaid, Raised and Committed whilst his Brother was abroad, and detain'd in Germany; but he came not himself, nor sent any other to answer for him. Upon which, Three Earls, his Peers, were sent to the Court of France, there to convict him of the same Treason; but neither did he make his appearance there, or answer for himself. And yet against this Judgment and Decree, he is Crowned King; William de Breuse, together with his Faction, pressing instantly for his Coronation. In which Coronation all that were concerned, offended grievously, as well because John had no Right to the Kingdom, Arthur, his eldest Brother's Son, being then alive, as also, that if he had been Heir of the Kingdom, yet by and for the above repeated Treason, he had been deprived and disinherited. This is a famous Passage, and makes very much for a Bill of Exclusion, at least, if I mistake not; and there was so much in it, that when the Pope's Legat was dissuading the King of France from sending his Son Lewis into England (as the Barons and Great Men had by express Messengers desired him to do) and told him, England, then was S. Peter's Patrimony, by the Resignation of King John; the King of France told him, that England never was John's to give, (as well because no King can give away his Kingdom, without their Consent, as also) because he had forfeited all Right to the Crown (if Right he had had) by his Treasons against Richard, of which he stood Convict, and had had Sentence passed upon him, as a Traitor, by Hugh de Pudsey, Bishop of Durham. Thus *Matth. Westm.* tho' *Matth. Paris* represents it a little otherwise. But tho' the King and Parliament proceeded to an *Act of Exclusion*, yet they put no one upon abjuring John by Name. They thought it enough to secure the present King by an *Oath of Allegiance*, and to put by John from succeeding him; but no one ever was constrain'd to swear he never should, not ought to be King. **They hurt John as much as they could, by freeing the Subject from swearing to him; but they intended**

intended not to hurt the Subjects, by compelling them to swear against him. Methinks there is a great deal of Difference betwixt these two Points; and that's the Use I would have you make of this long Story, which I will conclude, when I have added, That tho' *John* afterwards did actually succeed his Brother *Richard*; tho' *Arthur* had been declared Successor to *Richard*; tho' it was the Opinion of all the World, both abroad and at home, that *Arthur* was the undoubted Heir of the Crown; tho' many Nobles sided with him; tho' he claim'd the Crown himself openly, and gave *John* abundance of Trouble, and alarm'd him daily; yet did *John* never attempt to get him *abjured* by the Nation, nor to secure himself any other way than by the common *Oath of Allegiance*. He afterwards caught him, and in all likelihood ordered him to be made away privately; but that was nothing to the People of *England*. He died, 'tis thought, about 1203, but his Sister *Ellenor*, commonly called *The Damofel of Britanny*, lived till after 1240. Tho' she undoubtedly was the Heiress of the Crown, if the Nation had regarded the Lineal and immediate Succession, as much in those, as in these latter Days, which it is manifest they did not.

The long and troublesome Reign of *Henry* the Third, the Times of *Edward* the First and Second afford me nothing to my present purpose: They had no Rivals or Competitors to fear, nor consequently any occasion of securing themselves by any *Oath of Abjuration*. When *Edward* the Third was Crowned King, upon the Deposition of his Father, tho' *Edmond of Kent*, and others, attempted to deliver him from his Imprisonment, and re-instate him again, yet the young King sought not his Safety and Establishment by any *Oath of Abjuration* of his Father. It was enough, that the several Estates of the Kingdom, had by Deputies appointed for the purpose, solemnly renounced their Allegiance to him, and chosen his Son to Reign in his stead and taken the usual *Oath of Allegiance* to him; this was then esteemed sufficient Security for the young King, without concerning the whole Kingdom in an *Oath of Abjuration*. And this was the Case of *Henry* the Fourth, when *Richard* the Second was deposed, the Crown was entail'd by Parliament on him and his Sons, but there was no *Abjuring Richard*, by an Oath to be taken by the Subjects. The Estates of the Realm Deposed him very solemnly (even without any notice taken of his Resignation, though after he had made it) objecting such and such Crimes, as deserv'd it; which they might

well have spar'd, and surely would have done it, even for pitities sake, if they had not intended thereby to shew and exercise a Power they thought inherent in them, on such extraordinary Occasions.

I will not trouble you with the Instance of *Henry VI.* with regard to *Richard Duke of York*, who made claim upon him; nor of *Edward IV.* with regard to *Henry VI.* neither of which Princes thought of securing themselves by any Oath of *Abjuration*. Because you may say, there was no need of their doing so, since both of them looked upon themselves as *Rightful Possessors* of the Throne; and what need was there of causing the Subjects to *Abjure* the Right of one who had no Right at that time; nor, (as they thought) at any time besides? For I make no question but *Henry VI.* look'd on himself as most *Rightful King*; and truly the Succession of *three* Generations, and the Possession, for above threescore years, of Royalty, might have made a more Devout and Conscientious Prince than *Henry* was (if it could be) believe so too. Neither will it serve to my purpose, to instance in *Richard III.* with regard to the Son and Daughter of his Eldest Brother *George Duke of Clarence*, because he confided so far in the *Attainder* of the Father, that he had no suspicion of the Children; he Bastardiz'd, Depos'd, and Murther'd the Children of his Brother *Edward IV.* but he thought the *Act of Parliament* had secur'd him against the Family of *Clarence*, and therefore was regardless of them. We have no reason to think he acted out of any better Principle, towards them. And it was not then perhaps so clear in Law, as since, *That the Crown takes away all Defects and stops in Blood; and that from the time the King assumes the Crown, the Fountain is cleared, and all Attainders and Corruption of Blood discharged;* which was the Resolution of the Judges, in the Case of *Henry VII.*

The Instances I have mentioned before, from *Edgar Atheling* to *Richard II.* are enow, and sufficient to my Purpose, or none are. And I hope from them, you will be able to see, what I design'd to shew you, in the first place, That, though we have had so many Occasions, where an Oath of *Abjuration* was full as Reasonable, as Convenient, and as Necessary, as it can possibly be at this day, yet we have never had one. And therefore, that the Oath of *Abjuration* would be altogether strange and new in England. And if you do not also see, as it were by the by, from these Collections, that the Oaths of *Fidelity and Allegiance*, have

been constantly imposed on, and taken by the Subjects of the Land (concern'd to take them) to such Persons as were by the Consent and Approbation of the *Three Estates of the Kingdom*, invested with the Regal Power, although they could not lay Claim thereto, by Lineal and Legal Succession: If you do not see this, I shall think I have represented Matters but confusedly. Believe me then, in short, **an Oath of Allegiance was always taken, but an Oath of Abjuration, never.**

I am now in the *Second* place, to shew you, according to my Skill, that *an Oath of Abjuration is altogether Needless*. If it be needful, it is only needful to the securing his Present Majesty in the Possession of the Throne, which He (in our Opinion I am sure) fills most deservedly. But this is not to be done by an Oath of *Abjuration*, if it will not be done by an Oath of *Allegiance*. And I may well presume, that such as refuse the Oath of *Allegiance*, will never take an Oath of *Abjuration*; so that here will be no *New* Subjects gain'd we may be sure; and if it will neither gain *New* Subjects, nor fasten the *Old* ones closer to his Majesty's Interest, where is the Necessity of imposing it? Doth his Majesty, I pray, want any thing more than *Allegiance and Fidelity* from all, or any of his Subjects, in the respective Stations they stand related to their Prince in? No one, I think, will say they do. If all men therefore would fulfil their Oaths of Allegiance and Fidelity, what need would there be of imposing any *New* ones? It is not taking *New* Oaths, but keeping the *Old* ones, that must secure his Present Majesty; and will any Man that does not make a Conscience of fulfilling the Oaths he has taken, be scrupulous of either taking, or breaking, any *New* Ones? What should hinder one from taking an Oath of *Abjuration*, who has no regard to his Oath of *Allegiance*? And what security can you have against the breach of a *Second* Oath, from one who shews apparently he values not his *First*? Do you not therefore see that such as *knowingly* break their *Allegiance Oath*, will take at last (though not without some kind of scruple neither) the Oath of *Abjuration* and break it, when it is convenient, *full as knowingly*? We see Men, frequently, that are nice and squeamish, with respect to some Offences, who yet make very bold with others, altogether as heinous; but it is seldom seen that a Man grows tenderer in a Point wherein he has been once or twice offended. He who has taken the Oath of *Allegiance* to his Majesty, and yet will Comfort, and Abett, and Correspond with any of his Enemies, will take the Oath again

and proceed to *whatever* Oath you shall impose, and still retain the same mind, and pursue the same design; and he may do it all, upon the same Principle, by which he acts, when he breaks his Oath of Allegiance. So that an Oath of *Abjuration*, will neither gain his Majesty any *New Friends*, nor fix the *Old Ones* faster to them, nor yet *discover* any *Old or New Enemies*. And what is an Oath good for, that will answer to none of these ends and purposes? That will neither discover Truth nor Falshood? That will neither make nor keep Men *Honest* or more *Loyal* than they were before, nor yet prevent them from being *False* and *Traiterous*, or shew us when they are so? I make no doubt but this is the pretence and plea for an Oath of *Abjuration*, that it will discover who are *Enemies* to the *Present Government*; and this is that which may make it appear most reasonable to be imposed. If it will not therefore do this, it will do nothing, or it will do mischief. This I conclude it will never do (*i. e.* discover who are *Enemies* to the *Government*) for this Reason. Because (supposing all along, that none will take an Oath of *Abjuration*, who have refused to take the Oath of *Allegiance*, and therefore that they alone who have taken the Oath of *Allegiance*, will take the *Abjuration Oath*) they who have taken the Oath of *Allegiance* *malâ fide*, who design (or whether they design or no, do actually do it) to serve and succour the *Late King*, will also certainly take the *Abjuration Oath*. They who have falsified their Faith to *King William*, in favour of the *Late King James*, will not stand out upon another Oath, by which they shall not only lose perhaps a *Beneficial Office*, but also incapacitate themselves for either hurting his *Present Majesty*, or serving their *Late Master*. This I have before shewed, and it is not in Man to find out, or assign, one tolerable Reason why they should not do it. Will therefore any such *Perfidious Men* as these be *discovered* by an *Oath of Abjuration*? Will they not rather be enabled to do more mischief by being more trusted for such an Oath, which they esteem and will keep just as they did the Other? So that the *King's Enemies* will lie as safe and close under an Oath of *Abjuration*, as under an *Allegiance Oath*: for what, I would know, does the most solemn and tremendous Oath signify, unless the Party think himself oblig'd in Conscience to observe it? And if he do not think himself oblig'd in Conscience, to observe and keep his Oath of *Allegiance*, what is there that shoulll tie an *Abjuration Oath* upon him? For the tie and Sanction of both these Oaths must be the same, and the

the breach of them must be alike Criminal, and will be punished alike, in both Worlds, inasmuch as a Man is equally Perjur'd in little and in great matters: and if any Man will shew how he may safely violate his *Oath of Allegiance*, with a good Conscience, I will do as much for him, for the violation of the strictest Oath of *Abjuration*, in the World. I hope you perceive then, that they who will take an Oath of *Allegiance* to his Present Majesty, and make no manner of Conscience of Performing it, but actually serve, and correspond with his Enemies, will also make no Bones of taking and breaking an Oath of *Abjuration*; which is the Reason from whence I conclude an Oath of *Abjuration* will not serve to discover the King's Enemies, which yet it certainly pretends to do. They are, it seems, to be discovered by *refusing* the Oath; but they intend to *take* the Oath, and where is the *discovery*? Well, but will all that take the Oath of *Allegiance* take the Oath of *Abjuration*? No, unquestionably no. Will not therefore those who refuse it, be thereby discovered to be Enemies to the Present Government? I say again No. They will not be *discovered* to be Enemies, because they will not be thereby its Enemies. Let us, for once divide the People that have taken the Oath of *Allegiance* to his Majesty into, 1. Such as have taken and kept it *bona fide*. 2. Such as have taken and broken it wittingly and willingly, and with an evil mind. Of these latter, we have seen, no manner of good can be expected. They will neither be *made good* Subjects, by a New Oath, nor *discovered* to be *Bad ones* by it. A New Oath will therefore only affect such as have taken the Oath of *Allegiance bona fide*, and kept it very honestly. And is it likely that they who have done so should be *Enemies* to the Government? I grant you, that a great many scrupled and considered long, before they ventur'd on the Oaths; but are not Scruple and Consideration tokens of a good and honest mind? and if after Scruple and Consideration, they took the Oaths, and since have kept them well and honestly, what Reason is there to think, or call, these People *Enemies* to the Government, though they should go no farther? The Legislative Power imposed the *Oath of Allegiance* on the Subject, and intended it for the Security and Establishment of the Present Government; the Subject takes the Oath and keeps it faithfully, how is he then an Enemy? My Friend desires me to walk a Mile with him, to conduct him homewards, and see him safe through such a *Thieving-Lane*, and I consent; and when he comes to the Miles end, his fears grow greater, and he desires me

me to walk another Mile, but I tell him, it is late, and I can go no farther without inconveniency and danger to my self, and for this he quarrels me, and accounts me his Enemy. I leave you to judg with what Reason. I did what he desir'd at first, and thought, with all his foresight and distrust, would be sufficient to secure him (and so did all that passed that way before him) but I can do no more, and be secure my self. Sure, though I can no longer serve him, yet I have served him hitherto, and may deserve a better name than *Enemy*. What think you of the Application? Must those be Enemies to the Present Government, who took the Oath of Allegiance to his Majesty, which was all that was required and thought sufficient for his Safety, and have all along kept it inviolable, and served him faithfully and diligently; must these be reckon'd Enemies, because they will not also take an Oath of *Abjuration*? Will therefore an Oath of Abjuration discover who are the King's Enemies?

But that I may not seem to deny every thing to an Oath of Abjuration, after having shewn you what I think it will not discover, I will now shew you what I think it will discover. And first, It will discover the *Nakedness of the Land*; it will discover the distress and straits, we find our selves reduc'd to, when we must have recourse to such *extrémities*. When that which secures all other Governments in the World besides, and that which has secured our Own, as well as any Other, for so many hundreds of years (*viz.* an Oath of Allegiance to the Possessors of the Throne) will not secure, or be thought sufficient to secure, the Present Government, on what Foundation will the World about us think we stand? they have seen us choose, and place upon the Throne, our Prince, with all good liking and affection possible: And they will see us now, forc'd to be Chain'd to our Obedience; and tied down groveling on the ground for fear of rising up against him. This Posture will not please our *Friends* abroad, who understand our Generous Tempers better; they will fear the effects of such unusual Bonds. And for our *Enemies* abroad, they undoubtedly will do, as our Enemies at home do, rejoyce exceedingly, at such an Oath, The *Jacobites* (as all the Discontented Disaffected People are now call'd) have hitherto shewn themselves but *Puny Politicians*; their Designs have neither wanted Malice nor Barbarity, but they have laid and manag'd them, with so much Weakness and Simplicity, that they seem to be infatuated very much: but yet they are wise enough to foresee the

the advantages they are like to reap from the Distractions an *Oath of Abjuration* will undoubtedly produce amongst us. And though some of them may be set to decry it publicly, as a most abominable unheard-of thing, and others of them, in their weakness, truly believe it is so, yet the Managers of the Party, and more understanding People amongst them, do underhand abett, and favour it exceedingly, well knowing they shall find their account therein. This is *One* thing an Oath of Abjuration will discover, it will discover *Our Distress*. *Secondly*, It will discover who can serve the King no longer; that is certain: We shall see thereby, who they are, that can pay his Majesty *no more* than Allegiance and Fidelity; that is, who can pay no more, than has at any time been paid, to all or any of their Predecessors, for above six hundred years; no more than any of their Predecessors have at any time demanded; this we shall see, and these Discoveries will be made thereby. But what shall we get by such Discoveries? They will please no good Subjects; there will be little Joy in seeing a great number of good People, that serve his Present Majesty with Faithfulness, and Honesty, and Diligence, and with Affection too, dispossest'd of their Employments, and incapacitated to serve him any longer: for to be sure, no other but the Honest, Faithful, and the Conscientious will be dispossest'd thereby. No false Subjects, none that can play with an *Allegiance-Oath*, will forfeit any thing for fear of an *Abjuration-Oath*. An Abjuration-Oath will therefore discover those who can serve his Majesty as far as an Oath of Allegiance can carry them, but no farther; and that is a *Second* Discovery, but such a One, as no good *English* Man can desire to make, in your Opinion. *Thirdly*, An Abjuration-Oath, will discover, it is hoped—a short Passage to the *West* and *East Indies*—a Fresh *Spanish* Wreck—a new and ready way to Beneficial Offices, and great Preferments. If it do not lay open the Road to good Employments, by new Vacancies, it will be good for just nothing. If those who take the Allegiance-Oath, should chance to take (as who can tell?) the Abjuration Oath, and continue as they were, you would hear no more talk of its great security, and tendency to the Establishment of the Present Government. If this could be foreseen, an Oath of Allegiance would suffice (in their Opinion) for any King in Christendom.

If you think, Sir, I go too far in this matter, I retract. I had rather much, be mistaken in my guesses, than that any considerable Body of *English* Gentlemen should prefer so vile and selfish a design.

design, to the Peace and welfare of their Natural Country. But if you knew this part of mankind as well as I do, you would still fear, that the way to Offices and good Preferments, was One of the Discoveries design'd to be made by an Oath of Abjuration, by a great many People. But, to draw to a Conclusion of this Head; an Oath of Abjuration must be altogether *Needless*, if it will effect no greater matters to the Security of the Present Government, than an *Oath of Allegiance* will do. Now, though all the Men in England who have taken the *Oath of Allegiance*, should also take the *Oath of Abjuration*, yet it is from the *Oath of Allegiance and Fidelity*, the Government must look for, and find its Security, and not from the *Oath of Abjuration*. For he who has sworn *Allegiance and Fidelity* to King William, has sworn he will obey and serve him according to his Power, and shew himself a good and faithful Subject to him in the respective Post and Station, he is in. He is not only tied thereby to live peaceably and quietly under his Government, without offending against his Laws, or doing any thing to his prejudice, but he is tied to *activity* in his behalf and defence, if his Post and Station be such as requires him to be *active*. No one, that in good Conscience took the Oath to his Present Majesty can find himself at liberty to serve, by any ways or means, one that would certainly dethrone him. This is, undoubtedly, the least that an Oath of Allegiance can do, that it ties the Hands of all that take it, from lending any manner of Aid or Assistance to the *Late King James*. But if his Post be Active, he is farther oblig'd thereby to be Active in his Defence. If a *Privy Councillor*, a *Bishop*, and a *General*, take the *Oath of Allegiance to King William*, they are undoubtedly oblig'd thereby, to advise faithfully and keep his Secrets, to pray for his Prosperity, and fight his Battles. So that as far as, and wherever, the Office requires activity, the Oath obliges to it: and all the Security a Prince can expect must come and arise from the Obligation of such an Oath. On the other hand, what would it signify, or contribute, to the Security of his Present Majesty, that a Man should swear he was the Legal, Lineal, Just and Rightful Possessor of the Crown, and renounce, abjure, and disclaim, all Right and Title of the *Late King James* thereto; unless he held himself oblig'd, by virtue of his Oath of *Allegiance*, to keep and defend him in his present Possession, to the best of his power, against all Clamors whatsoever? I know there is a great deal of difference, betwixt an Oath of Allegiance and Fi-

delity *Simply such*, and an Oath of Allegiance which is also *Declarative of Right*. But the difference does not lie in this, that an Oath Declarative of Right, is of greater security to the Prince, than an Oath of Allegiance without such Declaration. For he who takes an Oath of Allegiance, gives him to whom he swears, a right to his Allegiance for the time to come, although he may be suppos'd to have had no right to it before, and therefore owes the Prince as much Allegiance after his Oath, as if he had in the Oath acknowledged him to be the most Rightful Prince in the World. As if a man oblige himself by Oath to pay another an hundred Pound, he is as strongly oblig'd to pay it him, by virtue of his Oath, as if he had truly borrowed it in time past of him. The Oath has given the other a Right to the mony, and by the Oath the Promiser is oblig'd to pay it. I do not say, that a man would not choose, if he could, rather to have a double Right to his Mony, both that of Debt, and that of Oath, than a single one of Oath; but I say that an Oath, (if the Man be able and conscientious) will as certainly secure the Mony to the other, as both an Oath and Debt.

By this I mean to say, that the Oath of Allegiance is of it self as great Security to the Prince, as if a Man should withal both Recognize the Princes Right, and Abjure, and renounce to the Title and Right of any other. Because the Security arises to the Prince from the positive Engagement of the Subject to do something for him, to do nothing against him, to pay him Service and Obedience, and to defend him against his Enemies, to his Power; and not from acknowledging him to be the Rightful Prince, and swearing that another has no Right to his Allegiance, which may be true, but signifie nothing to his Security. It is therefore evident, that all the Security that can arise to the Prince, depends upon the honest Taking, and the honest Keeping of the *Oath of Allegiance*, which implies Obedience and Assistance; and that he who hath taken that Oath with good intent, hath thereby given himself a Bondsman, to pay Obedience and Assistance, which is as much as any Prince can either want, or have, from all the Recognitions and Acknowledgments of Right that can be made. And these are the Considerations upon which I ground my second Conclusion, that *an Oath of Abjuration is altogether Needless*. It will not secure a King where an Oath of Allegiance will not. It will make no new Friends. It will fix no old Ones faster. It will discover no Enemies. It will do nothing but Mischief.

III. I have only now to shew you, in the third place, that an *Oath of Abjuration is impossible to be kept*. I have already considered the abjuring the *Right and Title of the late King in the foregoing Article*, and shewn the doing so (tho' done with good Faith) would prove no manner of Security to his Present Majesty. The other part of Abjuration is of his *Person and Government*; as if we should Swear—*We will not have this Man to Reign over us*. I say such an Abjuration-Oath is, or may be impossible to be kept; and therefore should not be imposed. For if he should come in by Conquest, how can any single Subject hinder him? If the obstinate Fight at *Landen* had determin'd of that *valuable Life*, upon which our Safeties do all so much depend; what would have become of us? If therefore we mean any thing more by *abjuring his Person*, than that we wish he may never return, and that we will contribute neither Money, Council, neither Intelligence, nor corporal Aid, we must mean no sense, for all besides is no sense; and if we mean nothing but *this*, we certainly mean and intend *this*, by our *Oaths of Allegiance and Fidelity*; for they exact as much as this comes to, at our Hands; to abjure him beyond this, is as if a Man should take an Oath, never to have a *Fever*, which yet he cannot possibly prevent; he may promise safely, that he does not covet it, that he will live temperately, and pray to God to keep it from him, but he can't forswear its seizing on him; and when it comes he must be patient under it. And sure, it would be a hardship on a Man, to have more than this requir'd, when 'tis impossible he should perform more.

This Sir, is my Sense and Opinion of an Oath of Abjuration. If it hit not with yours or any Man as wise and good, you will pardon it. If it convince any one otherwise minded, if it confirm and settle any one in the like; in a word, if it will do any good; if it will prevent any Evil or Confusion, if it will any ways tend to the Security of his Present Majesty, and the prosperous continuance of his Government over us, I shall be glad, and think my Time and Pains well spent.

I am, Sir, your Affectionate Humble Servant.

F I N I S.

1 am, Dr. your Affectionate Friend & Servant.

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